

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-18924 - APPLICANT/OWNER: WAYWARD PROPERTIES, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 19, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-18923), Variance (VAR-19609) and Site Development Plan Review (SDR-18925) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. This Variance is revised to allow six parking spaces where 11 are required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

Request for a Variance to allow six parking spaces where 11 are required for a proposed two story, 3,025 square-foot office building on 0.16 acres at 514 South Seventh Street. There is no hardship associated with this site; therefore, staff recommends denial.

Note: This item was amended from eight parking spaces provided to six parking spaces provided.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/23/07	The Planning Commission recommended approval of companion items ZON-18923, VAR-19609 and SDR-18925 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #29/jm).
<i>Pre-Application Meeting</i>	
12/05/06	A pre-application meeting was held. Title 19 Landscaping and Parking standards were discussed. It was noted by Public Works that parking spaces cannot back directly onto a public street. In addition, submittal requirements for a variance, site development review and rezoning were discussed.
3/28/07	A follow-up meeting was held with the applicant. The applicant discussed a redesign of their project to decrease the previous number of deviations requested and provide more landscaping on the site.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Duplex	MXU (Mixed Use)	R-1 (Single Family Residential)
North	Apartment	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)
East	Office	MXU (Mixed Use)	R-1 (Single Family Residential)
West	Office	MXU (Mixed Use)	P-R (Professional Office and Parking)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Redevelopment Plan Area	X		Y
Special Purpose and Overlay Districts			
Historic Las Vegas High School Neighborhood District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	50 Feet	N*
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	NA	NA
• Rear	15 Feet	18 Feet	Y
Max. Lot Coverage	50%	26.5%	Y
Max. Building Height	2 stories or 35 Feet	35 Feet	Y
Trash Enclosure	Yes	Curb	Y
Mech. Equipment	Yes	Yes	Y

** A Variance (VAR-19609) application is required.*

Pursuant Title 19.12, the following landscape standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	2 Trees	Zero Trees	N*
Buffer: Min. Trees (South, East, West)	1 Tree/ 30 Linear Feet	9 Trees	9 Trees	Y
Buffer: Min. Trees (North)	1 Tree/ 20 Linear Feet	8 Trees	8 Trees	Y
TOTAL		19 Trees	17 Trees	N*

Min. Zone Width (Right-of-Way)	15 Feet	15 Feet	Y
Min. Zone Width (Interior-north)	5 Feet	4 Feet	N*
(Interior-south)	5 Feet	Zero Feet	N*
Wall Height	8 Feet	Not provided	N/A

** Waivers from Title 19.12.040A and 19.12.040B Landscape, Wall and Buffer Standards and Title 19.10.010 J11 Parking, Loading, and Traffic Standards have been requested by the applicant.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	3,299 GF	1 per 300 SF	10	1	5	1	N*
TOTAL			11		6		
Percent Deviation					46%		N*

A Variance (VAR-18924) application is required

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
Zero Parking Lot Landscape Fingers	1 per 6 parking spaces	Denial
A Waiver to allow a perimeter landscape buffer width of four feet on the north and zero feet on south property lines where five feet is the minimum required.	5 feet	Denial

ANALYSIS

The applicant proposes to remodel the existing historic structure into a two-story, 3,299 square-foot office building. The applicant has requested a Variance (VAR-17741) to allow six parking spaces on this site where 11 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance.

In addition, this will require a Variance (VAR-19609) to allow a 50 foot lot width where 60 feet is the lot width required for a P-R (Professional Office and Parking) zone.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 156 by City Clerk

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PROTESTS 2